



AUG 9

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Raul MOLINA-Montes (1)

Saul GERARDO (2)

Defendants

) Mag. Case No.

'08 MJ 8474

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1324

) (a)(1)(A)(iii)- Harboring Illegal Alien(s)

The undersigned complainant, being duly sworn, states:

On or about May 22, 2008, within the Southern District of California, defendant Raul MOLINA-Montes and Saul GERARDO, knowing and in reckless disregard of the fact that aliens, namely, Marcos Manuel ALVAREZ-Del Torro, Gregorio GEMEZ-Martinez, Constantino SANTOS-Santos, Eduardo TORRES-Sanchez, Julio MERCADO-Rivera and Javier GOMEZ-Reyes had come to, entered and remained in the United States in violation of law, did conceal, harbor or shield from detection such aliens in a building located in El Centro, California; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 27th DAY OF MAY 2008.

Peter C. Lewis

United States Magistrate Judge

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon statements in the investigative reports Border Patrol Agent S. Riddell, that on May 22, 2008, the defendants, Raul MOLINA-Montes a citizen of Mexico and Saul GERARDO a United States Citizen, were apprehended in El Centro, California, as they harbored, concealed, or shielded from detection (52) Fifty-two undocumented aliens in violation of law.

The United States Border Patrol received information from a caller about a residence at 361 Magnolia Street, El Centro, California. The caller stated there was an undetermined amount of possible illegal aliens in the residence. On May 22, 2008, Agent I. Cerda and Agent J. Escalante went to the residence and knocked on the door. An individual, later identified as Raul MOLINA-Montes, answered the door. Agent's identified themselves and questioned MOLINA. MOLINA stated he is a Lawfully Admitted Permanente Resident and his card was inside the house, MOLINA indicated he would retrieve his card. Agent Cerda asked MOLINA if he is a resident of the house and MOLINA states "Yes". Agent Cerda asked if they could come inside while MOLINA retrieved the card. MOLINA opened the door and allowed the agents to enter the residence.

Inside the residence, Agents saw a large number of people in the house. Agents identified themselves and questioned them. With the exception of one individual, later identified as Saul GERARDO, it was determined fifty-three of the individuals located inside the residence at 361 Magnolia Street, El Centro, California are citizens of Mexico illegally in the United States. MOLINA, GERARDO and the other illegal aliens were arrested and transported to the Imperial California Border Patrol Station.

Agent Pestano witnessed Agent Cerda read MOLINA his rights per Miranda. MOLINA stated he understands his rights and was willing to speak with agents without an attorney present. MOLINA stated he is a citizen of Mexico without any immigration documents to be in the United States legally. MOLINA stated he illegally crossed the International Boundary with Mexico into the United States by jumping the border fence in Calexico, California. MOLINA stated he made arrangements to work for his friend "Efrain" taking care of illegal aliens the house in El Centro (361 Magnolia Street, El Centro, California). MOLINA stated he moved into the house and was getting paid \$500 a week for taking care of the house and illegal aliens. MOLINA stated his job was to look after the aliens and to buy food for them.

Agent Pestano witnessed Agent Cerda read GERARDO his rights per Miranda. GERARDO stated he understood his rights and was willing to speak with agents without the presence of an attorney. GERARDO stated he made arrangements with a man in Mexico called "El Giro" to live at the house (361 Magnolia Street, El Centro, California) for free, in exchange for keeping an eye on the house and illegal aliens there. GERARDO stated he moved into the house approximately a week and a half ago. GERARDO was aware the other people in the house are illegal aliens.

Material Witnesses Marcos Manuel ALVAREZ-Del Torro, Gregorio GEMEZ-Martinez, Constantino SANTOS-Santos, Eduardo TORRES-Sanchez, Julio MERCADO-

Rivera and Javier GOMEZ-Royes all stated they made arrangements with a smuggler in Mexico to pay \$1300 to \$3000 to be smuggled in the United States. ALVAREZ, GOMEZ, SANTOS, TORRES, MERCADO and GOMEZ stated after illegally crossing the international border into the United States they were taken to the house where they were arrested at (361 Magnolia Street, El Centro, California).

ALVAREZ stated there were two men taking care of them at the house. ALVAREZ stated the men would leave to go to the store and return with food. ALVAREZ stated the men instructed them not to leave the house. GOMEZ stated while at the house he did not eat well nor did the two kids in the house.

ALVAREZ, GOMEZ, SANTOS, TORRES, MERCADO and GOMEZ were all shown two separate six pack photo line-ups and ALVAREZ, MERCADO, and TORRES identified photo number one, MOLINA, from photo line-up number one as one of the persons who supplied the illegal aliens with food. ALVAREZ, identified photo number two, GERARDO, from photo line-up number two as the second person who provided for them while in the house.

The complainant states that the names of the Material Witnesses are as follows:

NAME	PLACE OF BIRTH
Marcos Manuel ALVAREZ-Del Torro	Mexico
Julio MERCADO-Rivera	Mexico
Javier GOMEZ-Royes	Mexico
Gregorio GOMEZ-Martinez	Mexico
Constantino SANTOS-Santos	Mexico
Eduardo TORRES-Sanchez	Mexico

Further, complainant states Marcos Manuel ALVAREZ-Del Torro, Gregorio GOMEZ-Martinez, Constantino SANTOS-Santos, Eduardo TORRES-Sanchez, Julio MERCADO-Rivera and Javier GOMEZ-Royes are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Executed on May 24, 2008, at 9:00 PM.


Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page, I find Probable Cause to believe that the defendants named in this probable cause statement committed the offense on May 22, 2008 in violation of Title 8, United States Code, 1324.


Honorable Jan M. Adler
United States Magistrate Judge

5/24 @ 12:03 pm
Date/Time